



Entered on Docket
July 09, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO PROOFS OF CLAIM
OF TERI MELVIN AS FILED
PARTIALLY IN WRONG DEBTOR'S
CASE; DUPLICATIVE CLAIMS; AND
OBJECTION OF DTDF TO PROPOSED
ALLOWANCE OF CLAIM**

Hearing Date: June 26, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

The Court having considered the "Objection of USACM Trust to Proofs of Claim of Teri Melvin As Filed Partially in Wrong Debtor's Case; Duplicative claims; and Objection of DTDF to Proposed Allowance of Claim" [Docket No. 7023] (the

“Objection”); with appropriate notice of the Objection having been given; with no response to the Objection having been filed; and good cause appearing:

IT IS HEREBY ORDERED that:

1. The Objection is sustained;
2. \$192,189.29 of Melvin’s claim 10725-02421 filed in the amount of \$613,561.41 against USACM is disallowed; any proposed allowance of Melvin’s claim in the USA Capital Diversified Trust Deed Fund (“DTDF”) case is disallowed, Melvin is allowed to retain an equity interest in DTDF in the amount of \$192,189.29 as reflected in the books and records of DTDF as of April 13, 2006, and the balance of this claim is disallowed on the ground that it is duplicative of claim 10725-02351 or was previously disallowed by order of this Court;
3. Melvin’s claim 10725-02348 filed in amount of \$197,669.94 is disallowed in its entirety on the ground that it is duplicative of claim 10725-02351;
4. Melvin’s claim 10725-02349 filed in amount of \$100,000.00 is disallowed in its entirety on the ground that it is duplicative of claim 10725-02351;
5. Nothing in this order should prejudice the rights of USACM Trust to file further objections to any portion of the Melvin claims.

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

By /s/ John Hinderaker (018024)

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker
Attorneys for USACM Liquidating Trust